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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,588	04/05/2001	Kairi Sai	450100-03149	5199
20999	7590	08/11/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			NGUYEN, HUY THANH	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/826,588		SAI ET AL.	
	Examiner		Art Unit	
	HUY T. NGUYEN		2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-9,16,17,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 3-5,10-15,18-20 and 23-25 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 3-5 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 3-5, line 2 and line , there is no antecedent basis for " said icon" and "said time bar" . It is suggested that claims 3-5, line 1, "1" should be changed to --2.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,6,16 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Kazui et al (5,642,174).

Regarding claim 1, 6,16 and 21 , Kazui discloses a digital video reproduction method for at least reproducing image based on video contents and metadata, wherein said video contents include an event scene, wherein said event scene is

peculiar to a motion picture;

said metadata comprises at least event information data having a designation of a starting position and contents of said event scene; and

said digital video reproduction method comprises the steps of using said event information data and reproducing an image from said event scene selected by a spectator (Fig. 10, column 3, lines 53 to column 4, lines 15).

Regarding claim 6, Kazui discloses a digital video reproducing apparatus, comprising:

a storage means for storing video contents and metadata, wherein

said video contents include an event scene, wherein said event scene is peculiar to a motion picture; and

said metadata comprises at least event information data having a designation of a starting position and contents of said event scene; and a means for controlling image reproduction based on said video

contents and said metadata, wherein said means for controlling image at least reproduces image; wherein

said video reproducing apparatus connected to a display apparatus includes said means for controlling image reproduction using said event information data and reproducing image from an event scene selected by a spectator (Fig. 10, column 3, lines 53 to column 4, lines 15).

Regarding claim 16, Kazui discloses a digital video reproducing apparatus (Figs. 2,10) , comprising
a communication means for receiving video contents and metadata, wherein
said video contents include an event scene, wherein said event scene is peculiar to a motion picture; and
said metadata comprises at least event information data having a designation of a starting position and contents of said event scene; and a means for controlling image reproduction for at least reproducing image based on said video contents and said metadata; wherein
said video reproducing apparatus connected to a display apparatus includes said means for controlling image reproduction using said event information data and reproducing image from an event scene selected by a spectator(Fig. 10, column 3, lines 53 to column 4, lines 15).

Regarding claim 21, Kazui discloses a digital video recording and reproducing apparatus (Figs. 2,10) , including
a means for controlling image reproduction for at least reproducing image based on video contents and metadata, wherein
said video contents including an event scene, wherein said event scene is peculiar to a motion picture; and
said metadata comprising at least event information data,

wherein said event information data have a designation of a starting position and contents of said event scene; and
said digital video recording and reproducing apparatus connected to a display apparatus, comprises

a contents input means for inputting said video contents;

an event information data input means for inputting said event information data; and

a storage means for storing said video contents and said event information data;
wherein

said event information data is inputted as added to said video contents or separated from said video contents; and
said means for controlling image reproduction uses said event information data and reproduces image from said event scene selected by a spectator(Fig. 10, column 3, lines 53 to column 4, lines 15).

4. Claims 1,6,16 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagasaka et al (5,974,218).

Regarding claim 1, 6,16 and 21 , Nagasaka discloses a digital video reproduction method for at least reproducing image based on video contents and metadata (Fig. 1,5-7) , wherein

said video contents include an event scene (shot) , wherein said event scene is

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peculiar to a motion picture column 3, lines 55 to column 5, line 10), column 5, lines 1-30, column 9, lines 20-45);

said metadata comprises at least event information data having a designation of a starting position and contents of said event scene (digest information, still image and attribute information (column 11, lines 7-65, Figs. 5-7); and

said digital video reproduction method comprises the steps of using said event information data and reproducing an image from said event scene selected by a spectator (column 8, lines 1-37).

Regarding claim 6, Nagasaka discloses a digital video reproducing apparatus, comprising:

a storage means (Figs 1, 12, column 7, lines 6-50) for storing video contents and metadata, wherein

said video contents include an event scene, wherein said event scene is peculiar to a motion picture (column 7, lines 15-30); and

said metadata comprises at least event information data having a designation of a starting position and contents of said event scene (Fig. 6, column 11, lines 8-55); and a means for controlling image reproduction based on said video

contents and said metadata, wherein said means for controlling image at least reproduces image (column 8, lines 8-35); wherein

said video reproducing apparatus connected to a display apparatus includes said means for controlling image reproduction using said event information data and

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reproducing image from an event scene selected by a spectator (Figs 5-7, column 8, lines 5-5).

Regarding claim 16, Nagasaka discloses a digital video reproducing apparatus (Figs. 1,5-7,12-13) , comprising

a communication means for receiving video contents and metadata, wherein

said video contents include an event scene, wherein said event scene is peculiar to a motion picture; and

said metadata comprises at least event information data having a designation of a starting position and contents of said event scene; and a means for controlling image reproduction for at least reproducing image based on said video contents and said metadata (figs. 5-7); wherein

said video reproducing apparatus connected to a display apparatus includes said means for controlling image reproduction using said event information data and reproducing image from an event scene selected by a spectator(Figs 5-7, column 8, lines 5-35).

Regarding claim 21, Nagasaka discloses a digital video recording and reproducing apparatus (Figs.1,5-7,12-13) including

a means (15,13) for controlling image reproduction for at least reproducing image based on video contents and metadata, wherein

said video contents including an event scene, wherein said event scene is peculiar to a motion picture; and

said metadata comprising at least event information data,

wherein said event information data have a designation of a starting position and contents of said event scene; and

said digital video recording and reproducing apparatus connected to a display apparatus, comprises

a contents input means for inputting said video contents;

an event information data input means for inputting said event information data; and

a storage means for storing said video contents and said event information data;

wherein said event information data is inputted as added to said video contents or separated from said video contents (column 7, lines 5- 68); and

said means for controlling image reproduction uses said event information data and reproduces image from said event scene selected by a spectator(Fig. 5-7, column 7, line 40 to column 8, line 35).

Regarding claim 7, Nagasaka further teaches the digital video reproducing apparatus according to claim 6, wherein each of said event information data includes an attribute related to said event scene (Fig. 5-6, column 11, line 8-68);

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said digital video reproducing apparatus has a search means for searching an event information data having said attribute (column 7, line 40 to column 8, line 35) wherein said attribute is selected from all event information data stored in said storage; and said means for controlling image reproduction reproduces image from an event scene corresponding to an event information data, wherein said event information data is selected by a spectator from said event information data searched by said search means.

5. Claims 1, 2, 6, 8, 16 and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Aotake (EP 0890910 A2) .

Regarding claim 1, 6, 16 and 21 , Aotake discloses a digital video reproduction method for at least reproducing image based on video contents and metadata (Figs 21-24) , wherein

said video contents include an event scene (shot) , wherein said event scene is peculiar to a motion picture (page 31, lines 53 to page 32, lines 20); said metadata comprises at least event information data having a designation of a starting position and contents of said event scene (digest information , still image and attribute information (page 32, lines 1-13; and said digital video reproduction method comprises the steps of using said event information data and reproducing an image from said event scene selected by a spectator ((page 28, line 52 to page 29, line 26 page 32, line 1-13)..

Regarding claims 2 ,8 and 22, Aotake further teaches the digital video reproduction method according to claim 1, wherein said metadata includes information on reproduction time related to video contents, wherein said digital video reproduction method comprises the steps of:

displaying a timeline (363) on a display apparatus screen (Fig. 21) as a time bar during reproduction of said image or upon an operation by a spectator at a time of starting reproduction, wherein said time bar corresponds to a reproduction time of video contents, and said video contents are based on said reproduction time;

displaying an icon (index image) corresponding to said event scene on a starting position of said event scene on said time bar, wherein said displaying is based on said event information data; and reproduction of image from a starting position of said event scene corresponding to said icon, wherein said icon is a icon selected by a spectator (page 28, line 52 to page 29, line 26).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 2,8,9 ,17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasaka et al (5,974,218) in view of Shore et al (5,760,767).

Regarding claims 2 ,8 and 22, Nagasaka further teaches the digital video reproducing apparatus according to claim 6, wherein said metadata includes reproduction time information related to video contents;
said digital video reproducing apparatus comprises a means for displaying a secondary image, wherein during reproduction of said image or upon operation by a spectator, said means for displaying the secondary image displays:
a timeline on a display apparatus screen as a time bar based on said reproduction time information, wherein said timeline corresponds to a reproduction time of video contents;
and an icon on a starting position of said event scene on the time bar based on said event information data, wherein said icon corresponds to said event scene; and
said means for controlling image reproduction reproduces image from a starting position of said event scene, said event scene corresponding to said icon selected by a spectator (Fig. 7, column 12, line 46 to column 13, line 30).

Nagasaka fails to teaches means for generating a time line.

Shore teaches an apparatus having a time line generating means for generating a time line for reproduction (column 4, lines 40-60) . It would have been obvious to one of ordinary skill in the art to modify Nagasaka with Shore by using a time line generating means as taught by Shore with the apparatus of Nagasaka for generating a time line therefore enhancing the capacity of the apparatus of Nagasaka for providing more convenience to the user n selecting an event scene for a specified time .

Regarding claim 9, Nagasaka further teaches the digital video reproducing apparatus according to claim 8, wherein each of said event information data includes an attribute related to said event scene (Fig. 6, column 11, lines 8-55); said digital video reproducing apparatus has a search means for searching an event information data having said attribute, wherein said attribute is selected from all event information data stored in said storage; and said means for controlling image reproduction reproduces image from an event scene corresponding to an event information data, wherein said event information data is selected by a spectator from said event information data searched by said search means (column 7, line 40 to column 8, line 35, column 12 line 46 to column 13, line 30).

Regarding claim 17, Nagasaka further teaches the digital video reproducing apparatus according to claim 16, wherein said metadata includes reproduction time information related to video contents;

said digital video reproducing apparatus comprises a means for displaying a secondary image, wherein during reproduction of said image or upon operation by a spectator, said means for displaying the secondary image displays; and

an icon on a starting position of said event scene on the time base, wherein said icon corresponds to said event scene; and

said means for controlling image reproduction reproduces image from a starting position of said event scene, said event scene corresponding to said icon selected by a spectator (Figs. 5-7, column 12, line 35 to column 13, line 30)

Nagasaka fails to teaches means for generating time line

Shore teaches an apparatus having time line generating means for generating a time line for reproduction (column 4, lines 40-60) . It would have been obvious to one of ordinary skill in the art to modify Nagasaka with Shore using a time line generating means as taught by Shore with the apparatus of Nagasaka for generating a time line therefore enhancing the capacity of the apparatus of Nagasaka for providing more convenience to the user in selecting a event scene to be reproduced for a specified time .

Allowable Subject Matter

8. Claims 3-5,10-15,18-20, 23-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 573-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUY T. NGUYEN
PRIMARY EXAMINER